

REMARKS

According to the Office Action mailed on December 29, 2005, the inventions of Groups IV and XI-XIV are unrelated thereby justifying restriction. Applicants respectfully disagree that the inventions of Groups IV and XI-XIV are unrelated for at least the reasons set forth below.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and have different modes of operation, different functions, or different effects. (MPEP §806.04, MPEP §808.01) The inventions of Groups IV and XI-XIV should be grouped together because they are directed to methods of finding compounds that interact with the SV2 protein. Each of these methods comprises contacting the SV2 protein with the compound or agent of interest and measuring and/or analyzing their interaction. Additionally, the inventions comprise many of the same method steps and the same starting materials. For example, the methods of Groups IV, XI, XII, XIII and XIV may be implemented using intact cells or cellular or membrane fragments containing SV2A or the entire SV2A protein (Specification, pg 21, lines 22-24). Also, the agent or compound to be examined in Groups IV, XI, XII, XIII and XIV may be incubated with the cells, membranes, SV2 protein or fragment. Moreover, analysis of the SV2 protein and agent interaction in Groups IV, XI, XII, XIII and XIV may be performed using surface plasmon resonance, nuclear magnetic resonance, or mass spectrometry (Specification, pg 23, line 1-2). Furthermore, Examiner states on page 6 of the above referenced Office Action that, "the materials and procedures used in the method of identifying a molecule modulating SV2 protein or interaction site of SV2 (Groups III-VIII, and XI-XIV) are very different from those in treatment of the disease (Groups I, II, XVI and XVII)." Thus, the Examiner acknowledges that Groups IV and XI-XIV are sufficiently related to warrant consolidating them for the purpose of comparison. Accordingly, Applicants request that the inventions of Groups IV and XI-XIV be grouped together.

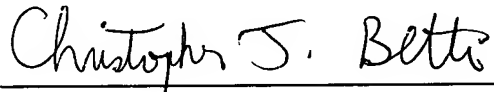
Moreover, MPEP § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are (1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown there would be a serious burden if restriction was not required. The Examiner has identified class 435 subclass 7.21 for Groups IV, XI, XII, and XIII.

The Examiner has identified Group XIV as class 345 subclass 7.21. However, this was likely a typographical error as the invention is not drawn to computer graphics processing and selective visual display systems. Therefore, a serious burden would not be imposed since each Group is a member of the same class and subclass.

Applicants respectfully request reconsideration of the restriction and election requirements in view of the above remarks. If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

A handwritten signature in black ink that reads "Christopher J. Betti". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

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